

Application No. 10/715,157                      80052  
Amendment dated February 3, 2006  
Reply to Office action dated October 4, 2005

## **REMARKS**

Upon entry of this amendment, claims 1-27 and 29-51 remain pending. Claim 28 has been canceled without prejudice or disclaimer. The amendments to the claims are supported by the specification (e.g. page 10, lines 10-15). No new matter is introduced as a result of this Amendment.

### ***Rejection under 35 U.S.C. § 112***

Claim 50 was rejected under 35 U.S.C. 112, second paragraph, as purportedly indefinite. Specifically, the Office Action asserted the terminology "said adhesive" lacked antecedent basis in the claim. In response, Applicants have amended claim 50 so that it depends from claim 1. Hence, this rejection has been overcome and its withdrawal is respectfully requested.

### ***Rejections under 35 U.S.C. § 102/103***

Claims 1-51 were rejected under 35 U.S.C. 102(e) as purportedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as purportedly obvious based on Kawachi et al. (U.S. Pat. No. 6,656,601).

Claims 1-51 were rejected under 35 U.S.C. 102(b) as purportedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as purportedly obvious based on Wong et al. (U.S. Pat. No. 6,399,191).

In addition, claims 1-51 were rejected under 35 U.S.C. 102(b) as purportedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as purportedly obvious based on Lee et al. (U.S. Pat. No. 5,744,250).

These three rejections are addressed together as similar issues apply to each. Moreover, Applicants respectfully traverse each rejection.

Independent claim 1 (from which claims 2-27, 29-40, and 48-51 all ultimately depend) concerns an adhesive composition. Claim 1 has been amended to recite that the composition consists essentially of at least one copolymer comprising repeating units from ethylene and at least one  $\alpha$ -olefin, at least one tackifier resin, and at least one

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grafted polyolefin. Moreover, the grafted polyolefin has a melt index ranging from above 100 to about 5,000 g/10 min at 190°C. Claim 41-47 recite corresponding methods of producing the composition.

None of the patents cited in the above rejections teach or fairly suggest an adhesive composition which employs a grafted polyolefin having a melt index ranging from above 100 to about 5,000 g/10 min at 190°C. The polyolefins used in Kawachi's composition have an MI (MFR) in the range of 0.1 to 100 (see Columns 3-6). Likewise, Wong teaches a composition that employs a grafted polyolefin having an MI ranging from 5 to 11 (see, for example, Column 4, lines 25-30). In addition, Lee also teaches employing polyolefins having an MI of about 0.1 to about 50 (see column 2, lines 65-67). Hence, none of the cited patents teaches or fairly suggests employing a grafted polyolefin having a melt index ranging from above 100 to about 5,000 g/10 min at 190°C as recited in the claims. Moreover there is nothing in the teachings of the cited patents which would suggest to those of ordinary skill in the art to employ polyolefins having an MI above 100.

In view of the above remarks, Applicants submit all three rejections are overcome and request they each be reconsidered and withdrawn.

Claims 1-51 were rejected under 35 U.S.C. 102(b) as purportedly anticipated by Godfrey (U.S. Pat. No. 5,763,516). Applicants also respectfully traverse this rejection.

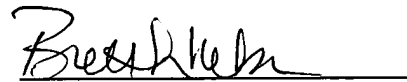
As explained above applicants claimed composition consists essentially of at least one copolymer comprising repeating units from ethylene and at least one  $\alpha$ -olefin, at least one tackifier resin, and at least one grafted polyolefin. In contrast, the composition described by Godfrey includes about 5 to 20 weight percent of a high melting, low viscosity wax. Applicants' composition does not require wax. Moreover, the claims have been drafted in a manner to exclude wax. The composition disclosed by Godfrey is thus completely different from the claimed composition. Accordingly, Godfrey's composition does not anticipate Applicants' claims composition.

Applicants respectfully submit that the above remarks overcome this rejection. Withdrawal of this rejection is thus requested.

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In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), enter the above amendment, remove all rejections, and pass the application to issuance.

Respectfully submitted,



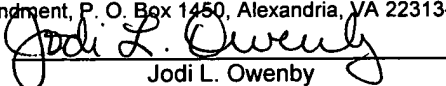
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P. O. Box 1450, Alexandria, VA 22313-1450.

  
Jodi L. Owenby

February 3, 2006  
Date